

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

51002

FILE: B-183844

DATE: August 21, 1975

MATTER OF: National Flooring Company

97464

## DIGEST:

While decisions of the Comptroller General are subject to review when errors of fact or law are alleged and demonstrated, request for reconsideration of bid protest decision is denied since nothing in nature of fact or law is advanced which was not previously considered and discussed.

Reconsideration of our decision, National Flooring Company, B-183844, July 31, 1975, has been requested by the protester.

The decision, in part, dismissed National's protest that the successful offeror was nonresponsible because of its inadequate performance on prior contracts. We held that the protester failed to show either fraud on the part of procuring officials or a failure of the Government to evaluate the offeror's responsibility in accordance with definitive responsibility criteria in the solicitation. The decision also refused to consider the protester's argument that the contractor's failure to comply with contract requirements should result in a termination of the contract for default and a reprocurement of the items. It was held that such determinations are principally matters of contract administration rather than matters related to the propriety of contract award for resolution pursuant to the bid protest function of this Office.

In requesting reconsideration National argues that according to its independent testing laboratory, samples obtained from the contractor's production runs fail to conform to the governing specification in several respects. National also contends the contractor has not made deliveries within the agreed time. National argues that these charges and its prior objections regarding the affirmative determination of the contractor's responsibility are all interrelated and that this Office should consider its protest to protect the Government against any fraud perpetrated by the contractor. Although the protester's request for reconsideration also raises the question whether the successful offeror's proposal properly acknowledged receipt of a material amendment, the protester has subsequently advised that this issue may be disregarded.

Decisions of the Comptroller General are subject to review when errors of fact or law are alleged and demonstrated. GAO Bid Protest Procedures § 20.9, 40 Fed. Reg. 17979 (1975). Since nothing has been advanced in the nature of fact or law which has not been considered and discussed in our decision, the request for reconsideration is denied.

  
Acting Comptroller General  
of the United States